

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Thomas Higgins,

Case No. 5:13 CV 2528

Petitioner,

ORDER ADOPTING
REPORT AND RECOMMENDATION

-VS-

JUDGE JACK ZOUHARY

Christopher Larose,

Respondent.

This Court has reviewed the Report and Recommendation (“R&R”) of the Magistrate Judge filed December 10, 2014 (Doc. 10). The R&R recommends this Court deny the Petition on the merits.

Under 28 U.S.C. § 636(b)(1), a party must serve written objections to the Magistrate Judge’s proposed findings and recommendations within fourteen (14) days of being served with the R&R, at which time this Court makes a de novo determination of those portions of the R&R to which objections were made. The failure to file objections within the time frame set forth in the statute constitutes a waiver of de novo review by the district court. *See United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Petitioner’s deadline for filing objections has passed, and no requests for extension have been received. The R&R accurately states the facts and law, which this Court adopts in its entirety. Accordingly, this Court denies the Petition and dismisses this case with prejudice. This Court further declines to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U.S. DISTRICT JUDGE

December 29, 2014